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Residents' Rights Act Fact Sheet



Is your Care Home Covered?

On August 22, 1994, the Residents' Rights Act (Bill 120) became law. As a result, most care homes are now covered by the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act.

This fact sheet is intended to help you determine whether your care home accommodation is covered by the Residents' Rights Act. If your care home is covered by the Residents' Rights Act, then the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act apply to it. The Acts themselves should be consulted for an exact interpretation of the law.

Accommodation Which is Covered

Most permanent accommodation occupied or intended to be occupied for the purpose of receiving care is included in the Residents' Rights Act and is therefore covered by the Landlord and Tenant Act, Rent Control Act and Rental Housing Protection Act.

A care home may be covered by the Residents' Rights Act even though the care home operates under the rules of another statute. For example:

- Most accommodation operating under the Ministry of Health Act or Ministry of Community and Social Services Act is covered by the Residents' Rights Act;
- Most accommodation operating under the Homes for Special Care Act or Homes for Retarded Persons Act is covered by the Landlord and Tenant Act; and
- Most group homes operating under the Developmental Services Act are covered by the Landlord and Tenant Act.

Accommodation Which is Not Covered

Some types of accommodation which provide care are not covered by the Residents' Rights Act. A facility where care is provided is not covered if:

- It is providing short-term emergency shelter (eg. victims of family violence);
- The tenant or tenants are required to share a bathroom or kitchen facility with the owner and the owner lives in the same building;
- It is covered by one of the statutes listed in the exemption provisions of the Landlord and Tenant Act, Rent Control Act and Rental Housing Protection Act (as amended by the Residents' Rights Act); or
- It is occupied solely for the purpose of receiving rehabilitative or therapeutic services and the following conditions exist:

- There is an agreement between the parties indicating that the occupancy is for a specific duration or the occupancy will terminate when the objectives of the services have been met or cannot be met; and
- The average length of occupancy in the building is less than six months.

Accommodation Which is Partially Covered

Non-Profit Care Homes:

Non-profit care homes that do not fall into the categories mentioned under the heading "Accommodation Which is Not Covered", are covered by the Landlord and Tenant Act but are not covered by Rent Control except for the provisions listed below:

- 12 months between rent increases for tenants paying a market value rent;
- 90 days' written notice before increasing the rent; and
- Deemed acceptance of the rent increase if the tenant has not given the landlord a notice to terminate the tenancy under the Landlord and Tenant Act

In general, private non-profit care homes owned and managed by a church or community group are covered by the Rental Housing Protection Act. Public non-profit care homes owned, operated or managed by a government or Crown agency are not covered by the Rental Housing Protection Act.

New Care Homes:

New care homes may be eligible for a five-year partial exemption from the Rent Control Act. The five-year partial exemption applies to care homes if:

- None of the units in the building were occupied on a residential basis before November 1, 1991;

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- The landlord gives prospective tenants a notice of temporary exemption before entering into a tenancy agreement; and
 - The landlord registers the care home within 6 months of the date the first unit was first rented.

If a landlord fails to provide a tenant with a notice of temporary exemption, the tenant's unit will immediately be covered by the Rent Control Act. If a landlord fails to register the building on time, the entire building will immediately be covered by the Rent Control Act.

The specific provisions of the Rent Control Act which apply to care homes that have the 5-year partial exemption are outlined in the Act.

For Further Information

For further information on the coverage of care homes under the Landlord and Tenant Act, Rent Control Act and Rental Housing Protection Act, please call the Rent Control Office in your area. The phone number is listed under the Ministry of Housing in the blue pages of the telephone directory.

